IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.293 of 2007

M/s.Mega Motors & ors. Applicants
Vs.
Standard Chartered Bank & anr. Respondents

Mr.Ganesh Gole for applicants.
Mr.Sanjog Parab for resp.no.1.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 31, 2007.

P.C.

. This is an application seeking to invoke the inherent powers of this Court under Section 482 of Cr.P.C. so as to quash and set aside the proceedings in Criminal Case No.5932/SS/05 filed in the Court of 25th Magistrate, Small Causes Court at Mumbai for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

. The relief which is sought to be prayed in this application can be obtained by challenging the order of issuance of process in Criminal Case No.5932/SS/2005 before the Sessions Court and when such an alternative equally efficacious remedy is available, an application under Section 482 of Cr.P.C. at the first instance need not be

entertained as has been held by this Court in the case of V.K. Jain & ors. Vs. Pratap V. Padode **[2005 (3) Mh.L.J. 778]**.

. Hence the petition is disposed with liberty to the applicant to approach the Sessions Court by way of a revision application under Section 397 of Cr.P.C. so as to challenge the order of issuance of process. If such an application is filed within a period of four weeks from today, the period of pendency of this application from 24th January 2007 till today be taken into consideration for condonation of delay, if any in entertaining the revision application.

. Ad-interim order passed by this Court on 26/2/2007 to operate for a period of four weeks from today.

(B.H.MARL